

DOCKET NO. 3:18-cv-00370-FDW-DSC

Plaintiff,

CRACKER BARREL OLD COUNTRY
STORE, INC. and KELLY BRYANT,

ORDER

1. If Plaintiff files an action based on or including the same claims against either Cracker Barrel Old Country Store, Inc. or Kelly Bryant, regardless of venue, he must pay

2. Any subsequent action shall be stayed until Plaintiff has complied with this Court's order.

(Doc. No. 10 at 3).

As Defendants have consented, Plaintiff's motion to dismiss, captioned as Notice of Voluntary Dismissal without Prejudice, (Doc. No. 7) is granted. Defendants request for conditions, however, is denied. Rule 41(d) contemplates an order for the reimbursement of fees and a stay by the court of the subsequent action, not the court of the original voluntarily dismissed action. The court where "a plaintiff who previously dismissed an action . . . files an action based on or including the same claim against the same defendant" is the appropriate court to order and enforce the relief requested by Defendants. Fed. R. Civ. P. 41(d).

IT IS THEREFORE ORDERED Plaintiff's motion to dismiss, captioned as Notice of Voluntary Dismissal without Prejudice, (Doc. No. 7) is granted. Plaintiff's claims are hereby DISMISSED WITHOUT PREJUDICE. The Clerk is respectfully directed to CLOSE THE CASE and SEND a copy of this Order to Plaintiff's address of record.

IT IS SO ORDERED.

Signed: August 22, 2018

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

